IN THE HIGH COURT OF JUDICATURE OF BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

COMPANY APPLICATION NO.530 OF 2005
IN
COMPANY PETITION NO.759 OF 2001

M/s.Indpro. ..Petitioner.

V/s.

M/s.Prakash Corrugated Packing Ltd..Respondent.

Mr.M.G.Mimani for petitioner.

CORAM: A.M.KHANWILKAR,J

DATE : SEPTEMBER 30, 2005.

P.C. :

1. Heard counsel for the applicant. Company Petition No.759 of 2001 was finally disposed of by order dated 2nd August, 2005 directing winding up of respondent company and appointment of Official Liquidator in respect of assets and properties of the company, so as to take further steps in accordance with the law.

2. After this order was passed, present application has been filed asserting that the counsel for the petitioner was unaware that the respondent company had already settled the claim of the petitioner. That fact came to the notice of the counsel for the petitioner only after 2nd August,

2005, when the petitioner/applicant apprised the counsel on being communicated with the order passed on 2nd August, 2005. In this backdrop, present application is filed praying that order passed on 2nd August, 2005 be recalled and company petition be restored to its original number and be then permitted to be withdrawn.

3. In view of the composite reliefs claimed in the petition, applicant was directed to issue advertisement mentioning proposed withdrawal of the company petition. That advertisement has been issued on 16th September, 2005. Office remark indicates that no claim has been received either to support or to oppose the present applicant or the present withdrawal. In this background, company application in the peculiar facts of the present case is allowed in terms of prayer clause (a) and (b).